

**Submitted to the Education Committee
Wednesday, February 23, 2011**

Senator Stillman, Representative Fleischmann and distinguished members of the Education Committee.

Raised House Bill No. 6326, An Act Concerning the Response of School districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect

We are writing to comment on Raised Bill No. 6326. We are parents who learned that our child had been sexually abused by an employee of a public school in Connecticut. We reported the abuse allegations to the public school, and requested the school notify the Department of Children and Families ("DCF"). We also told the school we were going to, and we did, file a complaint (that same day) with the local police department. The public school notified the accused employee and sent the employee home before the police could come to the school and question the employee, and the school interviewed our child before the police department conducted its investigation into whether a crime had been committed. We were told by the detectives investigating the case that actions taken by the school district undermined their criminal investigation, and we were told by the prosecutor that actions taken by the school district tainted evidence in the criminal investigation. The district later orally gave us the failure to prosecute as a reason for reinstating the accused.

DCF found that our child had been abused, but that substantiation of abuse was later reversed after a closed-door process, in which we believe the alleged abuser participated. We requested permission to participate but our request was denied. We have been denied access to records of DCF that we could use to determine what DCF found that supported their allegations that our son had been sexually abused, why DCF changed their decision after a closed-door process with the alleged abuser, and why they determined that we should not be permitted to participate in the closed-door process with the alleged abuser. We are also upset that the school has never thoroughly investigated the incident or provided us with a copy of an investigation report.

With regard to Raised Bill No. 6326, we support section 11 in so far as it requires a public school or institution to immediately report an allegation of abuse or neglect to the parents. Parents have a right to know such allegations, whether the allegations are true or not. Public officials have no right to withhold such vital information from parents, while they investigate whether the allegations are true. Such conduct essentially prevents parents from immediately intervening to stop alleged abuse or neglect.

While we feel section 13 of the bill is a step in the right direction, we do not fully support section 13 of the bill, as written. The first sentence of Section 13 provides that a board of education shall permit and give priority to any investigation conducted by DCF or local law enforcement agencies. We do not understand what this means. In order to deal with the problems we have experienced, the bill should first require DCF and school

officials to immediately report any allegation of abuse or neglect to local law enforcement agencies for a determination as to whether a crime has been committed. Local school officials and/or DCF should not be in the position of determining whether they think an allegation of abuse or neglect is serious enough to warrant a criminal investigation. It is the responsibility of law enforcement, and not the responsibility of DCF or public school officials, to determine whether charges are serious enough to warrant a criminal investigation. Moreover, the bill should make clear that any investigation by DCF or the public school must not interfere in any way with the criminal investigation. There are many examples in our state of local law enforcement agencies working closely with DCF, so that an appropriate DCF investigation and recommendations to prevent further abuse or neglect can be completed by DCF promptly, without undermining the criminal investigation.

We support the requirement in the second sentence of Section 13 – that a local board of education must investigate allegations of abuse or neglect. But the bill must also indicate that the school investigation must not interfere with the DCF investigation (or as indicated above, with the criminal investigation) and that the parents must be provided a copy of the reports prepared by DCF and the school. In our experience, a system designed to investigate and prevent further abuse will not succeed if parents are kept in the dark about what school officials and DCF find. School officials and DCF have adequate means to protect the identity of the abuser and those who reported the abuse without preventing the parents from finding out the truth about allegations that their child was sexually abused. Clearly, the current system, which permits investigations that are not disclosed to parents leaves parents with a strong suspicion that public officials have erred on the side of protecting the school district itself, school employees, DCF employees and the abusers, rather than acting aggressively to protect their children from harm.

Thank you for your consideration of these critical issues.

Parents of an Anonymous Victim